IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2318 OF 2006

Hemchand M. Singhania ...Petitioner

V/s.

Kanubhai Manganlal Shah ...Respondent

Shri.C.K. Tripathi for Petitioner.
Shri. B.K. Raje for Respondent.

CORAM : V.M. KANADE, J.
DATED : 13th MARCH, 2007.

P.C. :-

1. Heard learned counsel for the Petitioner and learned counsel for the Respondent.

2. The Petitioner is challenging the order passed by Small Causes Court in Interim Notice taken out by the Petitioner herein, directing the Respondent/Tenant to pay interim rent alongwith permitted increases. Initially, interim application was decided and Small Causes Court directed the Respondent/Tenant to pay interim rent of Rs.200/- per month alongwith permitted increases. Thereafter another application was filed by the Petitioner seeking permission of Court to withdraw amount deposited by the Respondent/Tenant. The said application was allowed and the Petitioner was permitted to withdraw amount as and

when deposited by the Respondent/Tenant. Petitioner did not press other prayers which he has made in the said application. Thereafter review application was filed in which it was submitted that the Small Causes Court had not fixed time when the Respondent should pay interim rent and permitted increases. It was contended that the permitted increases as calculated by the Petitioner comes to an amount of Rs.5000/- per month and direction was sought that this amount should be paid by the Respondent/Tenant. Review petition was also dismissed.

3. Learned counsel for the Petitioner invited my attention to the impugned order and also order passed in the review petition. I do not see any infirmity in the said order. However, main application is kept for hearing and the examination in chief of the Respondent/ Tenant is over. The matter is kept for cross examination. Since the application itself is being decided, there is no reason to interfere with the impugned order otherwise.

. Writ petition is, accordingly rejected. All contentions of both the parties are kept open.

V.M. KANADE, J.